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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,681	07/27/2001	Jayne B. Roderick	IR-025-C1	3197
21912	7590	11/30/2004	EXAMINER	
VAN PELET & YI LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014			ISMAIL, SHAWKI SAIF	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/918,681	RODERICK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shawki S Ismail	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 27 July 2001.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-20 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_\_  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Notice of Informal Patent Application (PTO-152)  
Paper No(s)/Mail Date. \_\_\_\_\_  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

1. Claims 1-20 are presented for examination.

Applicant's claim for priority is acknowledged.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "display" in claims 1-6, 8-10, 19-20 is used by the claim to mean "feedback or output", while the accepted meaning is "to show visually." The term is indefinite because the specification does not clearly redefine the term.

### ***Claim Rejections - 35 USC §102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 10-15, and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by **Rhie et al., (Rhie)** U.S Patent No. 6,366,650.

6. As to claim 1, Rhie teaches an interface for facilitating browsing of an indexed collection of electronic content, comprising:

means for determining a current location within the indexed collection of electronic content while browsing the indexed collection of electronic content (col. 3, lines 12-18); and

a non-visual display device for displaying information identifying the current location (col. 2, lines 32-38).

7. As to claim 2, Rhie teaches an interface as in claim 1, wherein the non-visual display device further comprises an audio display device (col. 3, lines 12-18).

8. As to claim 10, Rhie teaches an interface as in claim 1, further comprising a browsing device for controlling the current location within the indexed collection of electronic content (col. 3, lines 12-18 and col. 4, lines 26-31).

9. As to claim 11, Rhie teaches an interface as in claim 1, wherein the location display device and the browsing device are embodied in the same apparatus (col.2, lines 17-18).

10. As to claim 12, Rhie teaches an interface as in claim 10, further comprising a display device for displaying a selected record from the collection of electronic content (col. 4, lines 30-35).

11. As to claim 13, Rhie teaches an interface as in claim 1, wherein the electronic content comprises audio content (col. 2, lines 17-31).

12. As to claim 14, Rhie teaches an interface as in claim 1, wherein the electronic content comprises visual content (col. 2, lines 17-31).

13. As to claim 15, Rhie teaches an interface as in claim 1, wherein the electronic content comprises text content (col. 2, lines 17-31).

14. As to claim 19, Rhie teaches a method for facilitating browsing of an indexed collection of electronic content, comprising the steps of:

determining a current location within the indexed collection of electronic content while browsing the indexed collection of electronic content; (col. 3, lines 12-18); and

displaying information identifying the current location with a non-visual display device (col. 2, lines 32-38).

15. As to claim 20, Rhie teaches a computer readable storage medium or media on which is stored one or more computer programs for providing an interface for facilitating browsing of an indexed collection of electronic content, the one or more computer programs comprising:

instructions for determining a current location within the indexed collection of electronic content while browsing the indexed collection of electronic content; (col. 3, lines 12-18); and instructions for displaying information identifying the current location with a non-visual display device (col. 2, lines 32-38).

### ***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rhie et al., (Rhie) U.S Patent No. 6,366,650** and in view of **Peurach et al., U.S. Patent No. 5,844,392**

18. As to claims 3 and 4, Rhie teaches the claimed invention as described above. Rhie does not explicitly teach wherein the non-visual display device further comprises a haptic display device.

Peurach teaches a method for simultaneously browsing, or viewing, touching, attaching to, or manipulating, object descriptions contained within files both visually and haptically (col.4, lines 20-37).

It would have been obvious to one of ordinary skill in the art at the times of the applicant's invention to incorporate Pearach haptic feedback device into the invention of Rhie in order to make the system more user friendly. By having a haptic output device, a user does not have to devote a large amount of time and attention at looking at a display thereby making it easier for the user to do other activities while browsing the indexed collection.

19. Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rhie et al., (Rhie)** U.S Patent No. **5,844,392** and in view of **Weiser et al.,** U.S. Patent No. **5,786,819**.

20. As to claims 5-9, Rhie teaches the claimed invention as described above. Rhie does not explicitly teach wherein the interface as in claim 1 further comprises a location display resolution-controlling device for controlling the resolution with which the information identifying the current location is displayed.

Weiser teaches a single button list scrolling for presenting data in display of limited size. The data is presented to the user in a manner equal to the length in time of the depression of the button (col. 4, lines 20-41).

It would have been obvious to one of ordinary skill in the art at the times of the applicant's invention to incorporate the teaching of Weiser into the invention if Rhie in order to make the system efficient and user friendly. The user can move through the indexed collection at a fast pace or at a slow pace accordingly. It

gives the user ease of use in browsing a large number of records and saves them time in the process.

21. Claims 16-18 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Rhie et al., (Rhie)** U.S Patent No. 5,844,392 and in view of "**Official Notice.**"

22. As to claims 16-18, Rhie teaches the claimed invention as described above. Rhie does not explicitly teach wherein at least some of the electronic content is indexed alphabetically, numerically and by date.

Official Notice is taken that both the concept and advantages of indexing in alphabetically, numerically and by date are well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the times of the applicant's invention to include alphabetically, numerically and by date indexing of electronic content because it gives the user ease of use and makes promotes efficiency. It allows a user to increase query response time by browse a collection for a certain record without having to go through every record.

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail  
Patent Examiner  
November 20, 2004



  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER